

REMARKS

The Office Action of May 5, 2009, presents the examination of claims 89-108 and 110-132. Claims 122 and 124-131 are indicated as allowable.

Claims 89-108 and 110-121 are canceled herein. A minor amendment is made to claim 123 to correct its dependency. Claim 132 is amended to delete several specifically named compounds and to introduce several others from canceled claim 120. No new matter is introduced by any amendment.

Rejections over prior art

Claims 89-99, 109, 111-113 and 121 are rejected under 35 USC § 102(b) as anticipated by or under 35 USC § 103(a) as unpatentable over US 6329381. These claims are canceled, rendering this rejection moot. This amendment is made to advance the prosecution of the present application; Applicants do not acquiesce to the Examiner's position and reserve the right to pursue the subject matter of the canceled claims in an application filed pursuant to 35 USC § 120.

Rejection under 35 USC § 112, first and second paragraphs

Claims 89-99, 110-113 and 115-119 are rejected under 35 USC § 112, first paragraph, as allegedly lacking written description support in the specification. These claims are also rejected under 35 USC § 112, second paragraph; the Examiner finds the phrase, "wherein said medicament shows an effect only at the applied location" to be indefinite.

Claim 121 is deemed indefinite in the recitations "locally" and "interferon".

Applicants do not particularly agree with these determinations of the Examiner, at least for the reasons previously explained. However, the rejected claims are canceled so as to advance the prosecution of this application, rendering the rejection moot. Applicants reserve the right to

pursue the subject matter of the canceled claims in an application filed pursuant to 35 USC § 120.

Claims 104 and 123 are rejected under 35 USC § 112, second paragraph for various typographical and formal reasons. Claim 104 is canceled, rendering its rejection moot. Claim 123 has been amended to address the typographical error.

Claims 89-99, 110-115 and 117-119 are rejected under 35 USC § 112, first paragraph, for alleged lack of enablement by the specification. The Examiner asserts that utility of the invention beyond the first two disorders named in the claims is not established.

These claims are canceled, rendering this rejection moot. This amendment is made to advance the prosecution of the present application; Applicants do not acquiesce to the Examiner's position and reserve the right to pursue the subject matter of the canceled claims in an application filed pursuant to 35 USC § 120.

Obviousness-type double patenting

Claims 89-95, 97-103, 105-108 and 110-120 are provisionally rejected on the grounds of obviousness-type double patenting over claims 1-19 and 21 of copending application no. 10594074. These claims are canceled, rendering this rejection moot.

Objection to claim 132

The cut and paste error in claim 132 has been corrected by amendment above.

Applicants believe that the pending application is in condition for allowance. Such favorable action is respectfully requested.


Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a two (2) month extension of time for filing a reply in connection with the present application, and the required fee of \$490.00 is attached hereto.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell Reg. No. 36,623 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: October 2, 2009

Respectfully submitted,

By 
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